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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,900	05/22/2002	Terry A. Clark	EH-10660	4382

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EXAMINER

DAVIS, OCTAVIA L

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/063,900

Applicant(s)

CLARK ET AL

Examiner

Octavia Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 3, 5 – 11 and 17 – 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Claims 1, 8, 17 and 18 which disclose “airflow travels around said object” and “directing airflow near said tarmac along said surface” is not described in the specification.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 6 - 9, 11 – 13 and 15 - 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerhardt et al.

Regarding claims 1, 3, 8, 9, 13 and 17, Gerhardt et al disclose a method and apparatus for stabilizing an intake air flow of a ground-based turbine engine comprising a gas turbine engine 5 of

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an aircraft (See Col. 1, lines 21 - 23), the gas turbine engine having an inlet 1, operating the engine 5 by selecting a power setting for the engine that is capable of producing a vortex between the inlet 1 and a tarmac 3, placing a removable object 6 between the inlet and the tarmac 3 (See Col. 4, lines 41-58) and inhibiting formation of a vortex..

Regarding claims 6, 11 and 15, the engine of the aircraft remains static on the tarmac 3 while testing the engine through the usage of supports 7' (See Col. 4, lines 56 - 58, See Fig. 2A).

Regarding claims 7, 12 and 16, operating the engine 5 at an elevated engine pressure ratio, wherein, without the object, operating the engine at the threshold EPR would not create an inlet vortex and operating the engine at the elevated EPR would create the inlet vortex and the power setting and the EPR includes a full power setting level (See Cols. 5 and 6, lines 53 - 61 and 15 - 25).

Regarding claims 18 - 22, a base 7 faces the tarmac 3, an inclined surface 8, 9 extends in a direction from the tarmac towards the inlet (See Fig. 3) and a portable suppressor prevents formation of the vortex (See Col. 6, lines 6 - 14).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerhardt et al in view of Schafhaupt et al.

Regarding claims 5, 10 and 14, Gerhardt et al lack the engine being located on a wing of the aircraft. However, Schafhaupt et al disclose an apparatus for diminishing intake vortexes in jet

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engines comprising an engine 7 comprised of a turbo -compressor situated on a wing of an aircraft 1 (See Col. 2, lines 61 - 64, See Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerhardt et al according to the teachings of Schafhaupt et al for the purpose of, diminishing intake vortexes in jet engines utilizing a grating with short, vertically extending wind tunnels disposed near the ground below and directly in front of the engine inlet (See Schafhaupt et al, Col. 2, lines 1 - 13).

### *Response to Arguments*

7. Applicant's arguments filed 6/23/03 have been fully considered but they are not persuasive. In response to applicant's arguments that the references do not show the airflow traveling " around " the object or " the airflow traveling along a surface of the object " or that " the object turns airflow near the tarmac ", it is the examiner's position that in Gerhardt et al, the object 6 is placed between the tarmac 3 and the engine 5, a ventilator 10 is connected to an air chamber 9, an airflow 13 is formed in response to the delivery of introduced air by the ventilator and this air emanates " around " the bottom side portion of the object (See Fig. 3) and the airflow is directed along the bottom portion of the objects' surface 6a by the ventilator (See Col. 5, lines 34 – 50), thus the reference still stands.

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication should be directed to Examiner Octavia Davis at telephone number (703) 306 - 5896. The examiner can normally be reached on Monday - Thursdays (9:00 - 5:00), Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on (703) 305 - 4816. The fax phone number for the organization where this application where this application or proceeding is assigned is (703) 746 - 4409.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 - 0956.

DD

OD/2855

7/23/03

  
EDWARD LEFKOWITZ  
SUPERVISORY PATENT EXAMINER  
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